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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/825,243 | MARTINOT ET AL. | |
| | Examiner | Art Unit | |
| | NIMA MAHMOUDZADEH | 2419 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☐ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendment filed on 12/18/2008 has been entered. Claims 1-18, 20-25, and 27-29 are still pending in this application, with claims 1 and 29 being independent.

### *Drawings*

2. The drawings were received on 05/21/2008. These drawings are acceptable.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 13 recites the limitation "main calculation module" in line 1, but not recited in depended claim 8. Assuming dependency change to claim 9, then still the rejection remains due to the fact that in claim 13 recites the limitation "at least one of said measurement models" in the last line. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "said second memory" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "said third memory" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 18 recites the limitation "said storage means" in line 1. There is insufficient antecedent basis for this limitation in the claim.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-18, 20-22, 25, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwama et al. (US Patent No. 6,600,735) in view of Gous et al. (US Patent Publication No. 2002/0194316).

**Regarding claim1,** (original): Iwama et al. a device (D) (Fig. 1, element 103) for managing the measurement of parameters of end-to-end type data streams (In Fig. 1, element 103 perform a bandwidth controlling function which is based on some sort of bandwidth measurement) in a communication network (N) (Fig. 1, Network 110) composed of at least two domains (Ai) coupled together (Fig. 1, Zone 1 and Zone 2),

and each equipped with a measuring appliance (Mi) (Fig. 1, element 102 and also, Fig. 8, element 102 and sub-element 1705 which controls the bandwidth) capable of delivering local measurements representing parameter values of local end-to-end data streams (Abstract discloses the communication bandwidth which is managed by using element 103, gateway device and routers, which gateway's function is like a router), where said measuring appliances (Mi) implement various measuring processes (Fig. 1, element 102 and also, Fig. 8, element 102 and sub-element 1705 which controls the bandwidth), but fail to teach a device characterized in that it includes

(i) monitoring means (MM) arranged so as to order the constitution of a specific measurement configuration in each measuring appliance (Mi) as a function of at least its measuring process and overall measurement specifications, and

(ii) calculation means (CM) arranged so as to deliver first data representative of the parameter values of overall end-to-end data streams from local measurements delivered by the said configured measuring appliances (Mi). However, Gous et al. teach a device characterized in that it includes

(i) monitoring means (MM) arranged so as to order the constitution of a specific measurement configuration in each measuring appliance (Mi) as a function of at least its measuring process and overall measurement specifications (Fig. 1, element 30 which perform the bandwidth allocation function. To explain more, see paragraph [0041] that discloses the changeover sequence creation module 30, having constructed the changeover sequence data structure 34 as constituting a collection of routing/admission data structures 36, will calculate a bandwidth allocation matrix for each

routing/admission data structure 36 that is utilized in the changeover sequence generation process), and

(ii) calculation means (CM) arranged so as to deliver first data representative of the parameter values of overall end-to-end data streams from local measurements delivered by the said configured measuring appliances (Mi) (Fig. 1, element 32 and also paragraph [0035], discloses the changeover signaling module 32 operates to convert - calculate- the changeover sequence into a list of instructions –data representative - that are communicated to sets of nodes –End to End - of the network 12. Specifically, for each configuration specification within the changeover sequence, a respective instruction (or sets of instructions) may be sent to an appropriate node (or set of nodes) that are to be reconfigured in accordance with relevant configuration specification. The changeover signaling module 32 also receives acknowledgments from the nodes of the network 12 that the relevant nodes have successfully executed the received instructions. Also see Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

**Regarding claim 2,** (currently amended):Iwama et al. in view of Gous et al. teach the device as in claim 1, wherein said monitoring means (Fig. 1, element 30 of Gous et al. which perform the bandwidth allocation function) is arranged to order the constitution of the specific measurement configuration in each measuring appliance as

a function of the corresponding measuring process (claim 18 of Gous et al. ), second data representing an arrangement of the respective associated domain and overall measurement specifications (claim 1 of Iwama et al. discloses the information provided to Bandwidth Controller regarding some elements of each zone, first and second).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the precision in communication between two parties.

**Regarding claim 3,** (currently amended): Iwama et al. in view of Gous et al. teach the device as in claim 1, wherein said monitoring means includes an interface means for defining said overall measurement specifications (On Fig. 1 of Gous et al., element between elements 30 and 32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

**Regarding claim 4,** (currently amended): Iwama et al. in view of Gous et al. teach the device as in claim 1, wherein said monitoring means (Fig. 1 of Gous et al., element 30) includes configuration means for determining a configuration data for each measuring appliance (Figs. 1 and 5 of Gous et al., element 56), including determining local specifications of measurements and defining the specific measurement

configuration of each measuring appliance based on the determined local measurement specifications (Figs. 1 and 5 of Gous et al., element 56).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

**Regarding claim 5,** (currently amended): Iwama et al. in view of Gous et al. teach the device as in claim 4, wherein said configuration means is arranged to further determine the configuration data by determining data representing a correspondence between said determined local measurement specifications and said overall measurement specifications (Figs. 1 and 5 of Gous et al., element 56).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

**Regarding claim 6,** (currently amended): Iwama et al. in view of Gous et al. teach the device as in claim 5, wherein said storage means includes a first memory to store data representing said overall measurement specifications (Fig. 1 of Gous et al., element 26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements

disclosed by Gous et al. in order to increase the quality of communication between two parties.

**Regarding claim 7,** (currently amended): Iwama et al. in view of Gous et al. teach the device as in claim 6, wherein said storage means includes a second memory to store data representing at least one of said local measurement specifications or said configuration data (Fig. 1 of Gous et al., element 28).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

**Regarding claim 8,** (currently amended): Iwama et al. in view of Gous et al. teach the device as in claim 7 wherein at least one domain includes a measuring appliance implementing a measuring process based on a measurement model, and wherein said storage means includes a third memory to store data representing said measurement model (Fig. 1 of Gous et al., element 56 is a table which is saved in a memory).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

**Regarding claim 9,** (previously presented): Iwama et al. in view of Gous et al. teach the device as in claim 4, Gous et al. further discloses the device wherein said

calculation means includes a main calculation module arranged to determine said first data from local measurements delivered by said configured measuring appliances, said local measurement specifications and at least one value aggregation model (Fig. 1 element 32 and paragraph [0035], and to explain more, on Fig. 4, the bandwidth allocation matrix includes the locally bandwidth allocations for individual items along with the aggregated figure).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

**Regarding claim 10,** (previously presented): Iwama et al. in view of Gous et al. teach the device as in claim 9, Gous et al. further discloses the device wherein said main calculation module is arranged to determine said first data from additional data (Fig. 1 element 32 and paragraph [0035], and to explain more, on Fig. 4, the bandwidth allocation matrix includes the locally bandwidth allocations for individual items along with the aggregated figure).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

**Regarding claim 11,** (previously presented): Iwama et al. in view of Gous et al. teach the device as in claim 10, Gous et al. further discloses the device wherein said

additional data define an aggregation model for additional values (Fig. 1 element 32 and paragraph [0035], and to explain more, on Fig. 4, the bandwidth allocation matrix includes the locally bandwidth allocations for individual items along with the aggregated figure).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

**Regarding claim 12,** (previously presented): Iwama et al. in view of Gous et al. teach the device as in claim 9, Gous et al. further discloses the device wherein said second memory is capable of storing the data representing the said value aggregation model and/or of the said additional value aggregation model (Fig. 1 of Gous et al., element 28. also, Fig. 4, the bandwidth allocation matrix includes the locally bandwidth allocations for individual items along with the aggregated figure).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

**Regarding claim 13,** (currently amended): Iwama et al. in view of Gous et al. teach the device as in claim 8, Gous et al. further discloses the device wherein said main calculation module is arranged to determine said first data from local measurements delivered by the said configured measuring appliances, the said local

measurement specifications, at least one value aggregation model and at least one of said measurement models (Fig. 1 element 32 and paragraph [0035], and to explain more, on Fig. 4, the bandwidth allocation matrix includes the locally bandwidth allocations for individual items along with the aggregated figure).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

**Regarding claim 14,** (previously presented): Iwama et al. in view of Gous et al. teach the device as in claim 10, Gous et al. further discloses the device wherein said additional data define an additional measurement model (Fig. 4, the bandwidth allocation matrix includes the locally bandwidth allocations for individual items along with the aggregated figure).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

**Regarding claim 15,** (previously presented): Iwama et al. in view of Gous et al. teach the device as in claim 14, Gous et al. further discloses the device wherein said third memory is capable of storing the data representing said measurement model and/or of the additional measurement model (Fig. 1 of Gous et al., element 56 is a table which is saved in a memory).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

**Regarding claim 16,** (currently amended): Iwama et al. in view of Gous et al. teach the device as in claim 4, Gous et al. further discloses the device wherein said calculation means includes an auxiliary calculation module arranged to determine second data representing the respective contributions of the coupled domains to the first data, from the local measurements delivered by said configured measuring appliances and said local measurement specifications (Fig. 2 of Gous et al. and also paragraphs [0040] and [0041] of Gous et al.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

**Regarding claim 17,** (currently amended): ): Iwama et al. in view of Gous et al. teach the device as in claim 16, Gous et al. further discloses the device wherein said auxiliary calculation module determines the second data representing at least one of relative contributions or absolute contributions (Fig. 2 of Gous et al. and also paragraphs [0040] and [0041] of Gous et al.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements

disclosed by Gous et al. in order to increase the quality of communication between two parties.

**Regarding claim 18,** (currently amended): Iwama et al. in view of Gous et al. teach the device as in claim 16, Gous et al. further discloses the device wherein said storage means includes a first memory which stores at least one of said first or second data (Fig. 1 of Gous et al. element 24 is the storage unit).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

**Claim 19, (canceled).**

**Regarding claim 20,** (currently amended): ): Iwama et al. in view of Gous et al. teach the device as in claim 16, Gous et al. further discloses the device further including:

an output interface coupled to said calculation means to deliver at least one of said first or second data at an output when so ordered (Fig. 1 of Gous et al. the connection between element 30 and element 32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

**Regarding claim 21,** (currently amended): ): Iwama et al. in view of Gous et al. teach the device or arrangement as in claim 18, Gous et al. further discloses the device further including:

an output interface to extract at least one of the said first or second data from the first memory at an output when ordered to do so (Paragraph [0031] of Gous discloses the connection between the storage unit and the rest of the elements).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

**Regarding claim 22,** (currently amended): Iwama et al. in view of Gous et al. teach the device as in claim 20, Gous et al. further discloses the device further including:

a management information database to receive at least one of the first or the second data from said output interface (Fig. 1 of Gous et al. element 24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

**Regarding claim 25,** (currently amended): Iwama et al. in view of Gous et al. teach a communication network which includes at least two domains coupled together and each including a measuring appliance to deliver corresponding local measurements

representing the parameters values of the local end-to-end data streams (Fig. 1 of Iwama et al. ), Gous et al. further discloses the device wherein said measuring appliances implement different measuring processes, and further including at least one managing management device of claim 1 (Fig. 1 of Iwama et al. element 103 is the central managing device. Also each zone has its own measuring device).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

**Claim 26,** (canceled).

**Regarding claim 28,** (new): Iwama et al. in view of Gous et al. teach the device as in claim 1, wherein the measuring appliances (Fig. 1, element 102 which can be a router as well) comprise:

a first measuring appliance associated with a first network domain and executing a first measuring process to collect the local measurements of a first local end-to-end data stream which traverses the first network domain (Fig. 8, element 1705, also for more explanation, column 13, lines 1-14, Iwama et al., discloses the bandwidth control unit (1705) which enforce the bandwidth reservation, cancellation, change, the monitoring, etc. The bandwidth reservation procedure between the gateway device (102) and the counterpart device in the other zone is implemented on the basis of the RSVP procedure. Also see Fig. 1 Gateways located in different zones);

a second measuring appliance associated with a second network domain, coupled with the first network domain, which second measuring appliance executes a second measuring process to collect the local measurements of a second local end-to-end data stream which traverses the second network domain (Fig. 8, element 1709, also for more explanation, column 12, lines 24-50, Iwama et al. disclose the communication control switch (1709) implements buffering and distribution of transmission/reception signals between the gateway device (102) and the Internet (1508) or the PSTN (1712), and serves to control the lines and the bandwidths which can be interpreted as measuring and collecting data from gateway and internet or PSTN which is considered local end-to-end); and

a third measuring appliance associated with a third network domain, coupled with the second network domain (Fig. 8, element 1710), which third measuring appliance executes a third measuring process to collect the local measurements of a third local end-to-end data stream which traverses the third network domain (Fig. 8, element 1710 , column 12, lines 24-50, Iwama et al. disclose the voice processing device (1710) implements a function of converting speech packets transmitted/received in the Internet (1508) when a voice signal is transmitted/received with the PSTN (1712), whereby speech is transmitted/received between the Internet (1508) and the PSTN (1712), which can be interpreted as local end-to-end), wherein each first, second and third measuring process differs from other measuring processes being executed and includes one of (Fig. 8, element 1710):

a passive measuring process which collects information of each type of a data stream and of each packet of the data stream (Fig. 8, element 1710),

an active measuring process which collects information on a periodic basis, or

a measuring process based on a measurement model generated in advance for a corresponding network domain.

**Regarding claim 29,** (new): Iwama et al. teach a multi-domain management device (Fig. 1), which domains are coupled to one another and facilitate a passage for an overall end-to-end data streams, as a function of at least a corresponding measuring process of the measuring appliance and overall measurement specifications of the network (Fig. 1, from element 105-a to 105-b) but fail to teach a multi-domain management device comprising:

a monitoring module to generate and initiate a measurement configuration for measuring appliances executing various measuring processes and being associated with corresponding domains of a network;

configuration modules, each coupled to the measuring appliances executing an alike measuring process, to configure each measuring appliance based on the generated measurement configuration so that the configured measuring appliances deliver local measurements representing parameter values of corresponding local end-to-end data streams, which each traverses the associated network domain, based on the corresponding measuring processes; and

calculation means, coupled to the configuration modules, for determining data representative of parameters values of the overall end-to-end data streams based the

delivered local measurements of the local end-to-end data streams. However, Gous et al. teach a multi-domain management device comprising:

a monitoring module to generate and initiate a measurement configuration for measuring appliances executing various measuring processes and being associated with corresponding domains of a network (Fig. 1, element 30 which perform the bandwidth allocation function;

configuration modules (Fig. 1, element 30 and elements inside it), each coupled to the measuring appliances executing an alike measuring process (Fig. 1, element 30 is coupled to the all the nodes), to configure each measuring appliance based on the generated measurement configuration so that the configured measuring appliances deliver local measurements representing parameter values of corresponding local end-to-end data streams (Fig. 1, based on bandwidth routing is done), which each traverses the associated network domain, based on the corresponding measuring processes (Fig. 1); and

calculation means, coupled to the configuration modules, for determining data representative of parameters values of the overall end-to-end data streams based the delivered local measurements of the local end-to-end data streams (Fig. 1, element 32 and also paragraph [0035], instruct the node to send data and receive confirmation).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

6. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwama et al. (US Patent No. 6,600,735) in view of Gous et al. (US Patent Publication No. 2002/0194316) further in view of Maher et al. (US Patent No. 5,381,403).

**Regarding claim 23,** (currently amended): Iwama et al. in view of Gous et al. teach the device as in claim 1, but fail to explicitly teach the device further including:

a configuration interface of which includes:

interface modules, each dedicated to a corresponding specific measuring process, coupled to said monitoring means said measuring appliances, which execute the corresponding specific measuring process, and said calculation means, and arranged to configure the corresponding measuring appliance, collect the local measurements from each corresponding measuring appliance, and inorder4o supply the collected local measurements to said calculation means. However, Maher et al. teach the device further including:

a configuration interface (Fig. 1, element 102) of which includes:

interface modules (Fig. 1, elements 107, 108, and 109), each dedicated to a corresponding specific measuring process modules (Fig. 1, elements 107, 108, and 109 and coupled to different sites 103, 104, and 105), coupled to said monitoring means said measuring appliances (Fig. 1, elements 107, 108, and 109 and coupled to different sites 103, 104, and 105), which execute the corresponding specific measuring process (Column 3, line 58- column 4, line 2), and said calculation means, and arranged to

configure the corresponding measuring appliance, collect the local measurements from each corresponding measuring appliance, and in order to supply the collected local measurements to said calculation means (Fig. 1, and also, column 3, line 58- column 4, line 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. in view of Gous et al. to include the interface modules disclosed by Maher et al. in order to decrease the delay and improve the precision of the communication with less error.

**Regarding claim 24,** (currently amended): ): Iwama et al. in view of Gous et al. further in view of Maher et al. teach the device as in claim 23, wherein at least one of said interface modules includes:

an external measuring appliance for one of the coupled domains a domain of said communication network (Fig. 1 of Gous et al. also Fig. 1 of Maher et al. central controller).

7. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over ): Iwama et al. in view of Gous et al. further in view of Muirhead et al. (US Patent Publication No. 2003/0123446).

**Regarding claim 27,** (currently amended): ): Iwama et al. in view of Gous et al. teach the network as in claim 25, but fail to explicitly teach the network comprised of one of:

a transmission network including at least one of a WDM, a SONET or an SDH network type in particular,

a data network including at least one of an IP-Internet or an ATM, network, and

a speech network including at least one of a conventional, a mobile or a NGN network. However, Muirhead et al. teach the network comprised of one of:

a transmission network including at least one of a WDM, a SONET or an SDH network type in particular (Fig. 2),

a data network including at least one of an IP-Internet or an ATM, network (Fig. 2), and

a speech network including at least one of a conventional, a mobile or a NGN network (Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the network of Iwama et al. in view of Gous et al. to include different networks such as SDH, ATM and wireless network disclosed by Muirhead et al. in order to be able to serve different types of networks.

### *Response to Arguments*

8. Applicant's arguments filed 12/18/2008 have been fully considered but they are not persuasive. On page 10 of the Applicant's response, the Applicant argued that the reference of the record fail to discloses "monitoring means (MM) arranged so as to order the constitution of a specific measurement configuration in each measuring appliance (Mi) as a function of at least its measuring process and overall measurement specifications, and (ii) calculation means (CM) arranged so as to deliver first data

representative of the parameter values of overall end-to-end data streams from local measurements delivered by the said configured measuring appliances" of claim 1. The Examiner respectfully disagrees.

As disclosed on paragraph [0041], Gous et al., the changeover sequence creation module 30 (having constructed the changeover sequence data structure 34 as constituting a collection of routing/admission data structures 36), will calculate a bandwidth allocation matrix – Specific measurement to enforce the measurement configuration- for each routing/admission data structure 36 that is utilized in the changeover sequence generation process. Also in Fig. 5 and paragraph [0044], discloses each element of the connection-oriented network 12, operational bandwidth capacity 58 and a reserved bandwidth capacity 60. The reserved bandwidth capacity 60 for each element is, in one embodiment of the present invention, available for allocation to a network element in any of the intermediate configurations specified by the changeover sequence data structure 34.

On paragraph [0035], Gous et al., the changeover signaling module 32 operates to convert the changeover sequence (Calculates) into a list of instructions that are communicated to sets of nodes of the network 12. Specifically, for each configuration specification within the changeover sequence, a respective instruction – Data representative - (or sets of instructions) may be sent to an appropriate node (or set of nodes) (this can be End-to-End) in accordance with relevant configuration specification. The changeover signaling module 32 also receives acknowledgments from the nodes of

the network 12 that the relevant nodes have successfully executed the received instructions. Also see Fig. 5's table indicating end-to-end routes.

On page 11 of the Applicant's response, the Applicant argued that the reference of the record fail to discloses "data from local measurements delivered by the said configured measuring appliances, the said local measurement specifications, at least one value aggregation model and at least one of said measurement models" of claim 13. The Examiner respectfully disagrees.

As shown in Fig. 4, Gous et al., the table of content consists of local bandwidth calculated figures for individual items for connection ID 1 and 2, along with the aggregated figure.

On page 12 of the Applicant's response, the Applicant argued that the reference of the record fail to discloses that " the gateway device of each zone includes only one of the bandwidth control unit 1705, the communication control switch 1709, or the voice processing device 1710 so that one of the bandwidth control unit 1705, the communication control switch 1709, and the voice processing device 1710 is associated with only one zone", additionally, the reference of the record does not teach or suggest that "each of the bandwidth control unit 1705, the communication control switch 1709, and the voice processing device 1710 performs a measuring process". Moreover, the reference of the record does not teach or suggest that "these devices each performs a measuring process which is different from the rest of the measuring processes", and "collecting the local measurements of the local end-to-end data stream via the various measuring processes "of claim 28. The Examiner respectfully disagrees.

On column 13, lines 1-14, Iwama et al., discloses the bandwidth control unit (1705) which enforce the bandwidth reservation, cancellation, change, the monitoring, etc. The bandwidth reservation procedure between the gateway device (102) and the counterpart device in the other zone is implemented on the basis of the RSVP procedure. Also see Fig. 1 Gateways located in different zones.

On column 12, lines 24-50, Iwama et al. disclose the communication control switch (1709) implements buffering and distribution of transmission/reception signals between the gateway device (102) and the Internet (1508) or the PSTN (1712), and serves to control the lines and the bandwidths which can be interpreted as measuring and collecting data from gateway and internet or PSTN which is considered local end-to-end.

On column 12, lines 24-50, Iwama et al. disclose the voice processing device (1710) implements a function of converting speech packets transmitted/received in the Internet (1508) when a voice signal is transmitted/received with the PSTN (1712), whereby speech is transmitted/received between the Internet (1508) and the PSTN (1712), which can be interpreted as local end-to-end.

Also as shown above each one of the measuring process are different from each other.

In regards to claims 2-8,16-18, 20-22, 23, 24, 25, 27, and 29, Applicant argued the references fail to teach the claimed invention based on the reasons as stated in the arguments of claims 1, 13, and 28, the Examiner respectfully disagrees with the same reasons as discusses above.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIMA MAHMOUDZADEH whose telephone number is (571)270-3527. The examiner can normally be reached on Monday - Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chirag G. Shah can be reached on (571) 272-3144. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/NIMA MAHMOUDZADEH/
Examiner, Art Unit 2419

/Gregory B Sefcheck/

Primary Examiner, Art Unit 2419

3-30-2009